



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,359	07/11/2001	Ulrich Laemmlli	62574-A/JPW/GJG	9566

7590 10/18/2004

Gary J. Gershik  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, NY 10036

EXAMINER

JOHANNSEN, DIANA B

ART UNIT	PAPER NUMBER
----------	--------------

1634

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

***Notice of Non-Responsive Amendment***

1. The instant application as been transferred from Ex. E. Whisenant to Ex. D. Johannsen. The application remains assigned to Art Unit 1634. As noted in the Interview Summary of May 17, 2004, the finality of the prior Office action is **withdrawn**, and prosecution is hereby reopened.
2. Prior to further action, correction of the following matters that were not fully addressed by Applicant's prior responses (as specified below) is required.

***Drawings***

3. The formal drawings filed on April 5, 2002 were not fully responsive to the Notice of September 7, 2001 because of the following omission(s) or matter(s). See 37 CFR 1.111.
4. First, the formal drawings filed on April 5, 2002 were incomplete. For example, while the originally filed drawings included a Figure 3D, no such figure is present in the formal drawings of April 5, 2002. Additionally, Applicant has not, e.g., amended the specification to delete the reference contained therein to Figure 3D (or amended the Sequence Listing to delete reference to the sequence contained therein). Accordingly, it appears that Applicant inadvertently omitted a formal version of Figure 3D from the set of drawings filed April 5, 2002.
5. Further, it is noted that the specification refers to a Figure 3E that was not present either in the originally filed drawings or in the formal drawings of April 5, 2002. Correction of this discrepancy is also required.

Art Unit: 1634

6. In view of the above, new corrected drawings in compliance with 37 CFR 1.121(d) are required in this application. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

***Compliance with Sequence Rules***

7. Additionally, the specification fails to comply with one or more of the requirements of 37 CFR § 1.821 through 1.825 because the specification recites sequences that lack description by the appropriate sequence identifier set forth in the "Sequence Listing" as required by 37 CFR § 1.821(d). See, for example, Figures 3C-3D and the descriptions thereof, and pages 33, 55, and 60-61. Appropriate corrections are required, as the reply of April 5, 2002 did not include the required amendments for full compliance with the sequence rules. With respect to figures/descriptions lacking the necessary SEQ ID Nos, it is noted Applicant may either file substitute Figures that recite the appropriate sequence identifiers, or amend the brief description of the figures so as to set forth said sequence identifiers. See MPEP 2422.02.

***Conclusion***

8. Since the above-mentioned replies appear to have been *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Art Unit: 1634

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diana B. Johannsen whose telephone number is 571/272-0744. The examiner can normally be reached on Monday-Friday, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones can be reached at 571/272-0745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Diana B. Johannsen", followed by a long horizontal line extending to the right.

Diana B. Johannsen  
Primary Examiner  
October 14, 2004